

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: QUANG D. LY  
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INTERNATIONAL NOODLES, LLC,

Appellant,

Bankruptcy No. 08-03033  
HON. DANIEL S. OPPERMAN

vs.

Case No. 09-CV-11402  
HON. GEORGE CARAM STEEH

QUANG D. LY,

Appellee.  
\_\_\_\_\_ /

ORDER OF DISMISSAL OF APPEAL

On April 15, 2009, International Noodles, LLC filed a notice of appeal from Bankruptcy Judge Daniel Opperman's April 1, 2009 Preference Avoidance Judgment in adversary proceeding 08-03033 in favor of the Debtor in Possession, Quang D. Ly and against International Noodles in the amount of \$5,000. This Court was assigned the appeal. There has been no activity in the file since the filing of the notice of appeal. Bankruptcy Rule 8006 required International Noodles to file with the clerk and appellee Quang D. Ly, within 10 days or by May 4, 2009, a designation of the items to be included in the record and a statement of the issues to be presented on appeal. International Noodles has filed nothing since April 15, 2009.

On September 23, 2009 this Court issued an order to show cause to appellant International Noodles. The Court then discovered that appellant's attorney, Jeffrey B. Bershad, failed to provide the Court with a correct e-mail address. Perhaps due to this

failure on the part of Mr. Bershad, appellant did not comply with the show cause order in a timely manner. The Court thereafter issued a second order to show cause, which was served upon Mr. Bershad by regular mail, the e-mail address provided to the Court, and an additional e-mail address listed in the Michigan Bar Journal Directory for 2009. Appellant was ordered to respond in writing on or before October 16, 2009, addressing the issue of why this matter should not be dismissed for lack of prosecution. No such response was filed. Now, therefore,

IT IS HEREBY ORDERED THAT the above-captioned appeal is DISMISSED for lack of prosecution.

SO ORDERED.

Dated: October 20, 2009

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 20, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk